

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

CALVIN ROUSE,

Plaintiff,

v.

DOUG WADDINGTON *et al.*,

Defendants.

Case No. C06-5183RJB

ORDER ON PLAINTIFF'S
MOTION TO AMEND

This civil rights action has been referred to the undersigned Magistrate Judge pursuant to Title 28 U.S.C. § 636(b)(1)(B). Before the court is plaintiff's motion to file a second amended complaint (Dkt. # 25).

Plaintiff was given leave to file an amended complaint and he did so August 28, 2006 (Dkt. 19). On November 9, 2006 the court entered an order directing service of the amended complaint (Dkt. # 24).

On November 20, 2006 plaintiff asked for leave to file a second amended complaint and add two new defendants. No proposed second amended complaint accompanies the motion (Dkt. # 25). Counsel entered an appearance on behalf of two of the named defendants on December 13, 2006 (Dkt. # 26).

The court will not consider the motion to amend without a proposed second amended complaint before it. The proposed second amended complaint would act as a complete substitute for the amended complaint if accepted. Plaintiff's motion is inadequate without the proposed substitute complaint.

The court orders plaintiff to submit a proposed second amended complaint with a new motion to amend if he wishes the court to consider the motion. Plaintiff should note the motion for the third Friday after service and all further motions or court papers must be served on defense counsel. The current

1 motion is **DENIED WITHOUT PREJUDICE.**

2 The Clerk is directed to send plaintiff and counsel for defendants a copy of this Order.

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4 DATED this 18, day of December, 2006.

5 /s/ J. Kelley Arnold
6 J. Kelley Arnold
United States Magistrate Judge
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